UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

RAS Citron, LLC

Authorized Agent for Secured Creditor 130 Clinton Road, Lobby B, Suite 202 Fairfield, NJ 07004

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Laura Egerman, Esq. (LE-8250)

In Re:

Pedro A. Viera,

Debtor.



Order Filed on May 9, 2019 by Clerk, U.S. Bankruptcy Court -**District of New Jersey**

Case No.:

18-24470-SLM

Chapter:

13

May 8, 2019
Hearing Date: April 24, 2019

Judge:

Stacey L. Meisel

AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3), is hereby ORDERED.

DATED: May 9, 2019

Honoráble Stacey L. Meisel United States Bankruptcy Judge

Secured Creditor: Wilmington Trust, National Association, not in its individual capacity but solely as successor trustee to Citibank, N.A. as Trustee to Lehman XS Trust Mortgage Pass-Through Certificates, Series 2006-17

Secured Creditor's Counsel: RAS Citron, LLC

Debtors' Counsel: Joshua Humphries

Property Involved ("Collateral"): 272 Kearney Street Paterson, New Jersey 07522

Relief sought:

- Motion for relief from the automatic stay
- ☐ Motion to dismiss
- ☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

- 1. Status of post-petition arrearages:
 - \square The Debtor is overdue for $\underline{4}$ months from $\underline{01/01/2019}$ through $\underline{04/01/2019}$.
 - \square The Debtor is overdue for $\underline{4}$ payments from $\underline{01/01/2019}$ through $\underline{04/01/2019}$ at

\$1,878.05 per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

Funds Held In Suspense \$0.00.

Total Arrearages Due \$7,512.20.

- 2. Debtor must cure all post-petition arrearages, as follows:
 - Beginning on 05/01/2019, regular monthly mortgage payments shall continue to be made in the amount of \$1,878.05.
 - The amount of \$7,512.20 shall be capitalized in the Debtor's Chapter 13 plan. Debtor must file an Amended Plan, and Schedules I and J within fifteen (15) days of the entry of this Order. The debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the plan in accordance with this order
 - ☐ This Order is incorporated into any Order confirming the plan. The Trustee is to pay the arrears identified in this Order.

3.	Payments to the	Secured Credito	or shall be mad	de to the	following	address(e	es):
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■ Regular monthly payment:	Nationstar Mortgage LLC
	ATTN: Bankruptcy Dept
	PO Box 619094
	Dallas, Texas 75261-9741
□ Monthly cure payment:	

4. In the event of Default:

- Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.
- In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.
- This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5.	Award of Attorneys'	Fees
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■ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.

The fees and costs are payable:

■ Through the Chapter 13 plan.

□ To the Secured Creditor within _____

□Attorneys' fees are not awarded.

The undersigned hereby consent to the form and entry of the foregoing order.

Joshua Humphries Attorney for Debtor(s)

Date: 4/25/19

Laura Egerman, Esq.

Attorney for Secured Creditor

Date: 05.03.2019